

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

69350 U.S. PTO
08/978635
11/28/97

Anticipated Classification of this Application: _____
 Class _____ Subclass _____
 Prior Application: Exam'r: Remy Yucei
 Group Art Unit: 1805
 Attorney's Docket No.: Enz-53 (DIV 4)

FILED BY EXPRESS MAIL

Hon. Commissioner of Patents and Trademarks
 Washington, D.C. 20231
BOX FWC (if under 1.62)

Sir:

This is a request for filing a _____ CONTINUATION X DIVISIONAL
 _____ CONTINUATION-IN-PART application under _____ 37 CFR X 1.60
 37 CFR 1.62, of pending prior application Serial No. 08/574,443
 filed on December 15, 1995 of Elazar Rabbani et al.
 Inventor(s)

for:

**NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING
 COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. X A copy of the verified statement under 37 CFR 1.9 and 1.27 establishing small entity status in the prior application is enclosed. Small entity status is still applicable.
3. X The filing fee is calculated as follows:

| CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT | | | | | | | | | |
|---|--------------|---|--------------|---|--------------|--------------|---|--------------|--------------|
| | | | | | RATE | | | FEE | |
| | Number Filed | | Number Extra | | Small Entity | Other Entity | | Small Entity | Other Entity |
| Total Claims | 1 | = | 0 | x | \$ 11 | \$ 22 | = | \$ 395 | \$ --- |
| Independent Claims | 1 | = | 0 | x | \$ 41 | \$ 82 | = | \$ 0 | \$ --- |
| Multiple Dependent Claims Presented: _____ Yes <u>x</u> No | | | | | \$ 135 | \$ 270 | | \$ --- | \$ --- |
| If the difference in Col. 1 is less than zero, enter "0" in Col.2 | | | | | | BASIC FEE | | \$ 395 | \$ --- |
| | | | | | | TOTAL FEE | | \$ 395 | \$ --- |

Attorney's Docket No. Enz-53 (DIV 4)

| EXPRESS MAIL CERTIFICATE | |
|---|-------------------|
| Express Mail Label No. | EM449423938 |
| Deposit Date | November 25, 1997 |
| I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231 | |
| <i>Ronald C. Fedus</i> | NOV 25 97 |
| Ronald C. Fedus Reg. No. 32,567 | Date |

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- X Any additional filing fees required under 37 CFR 1.16.
- X Any patent application processing fees under 37 CFR 1.17.
5. X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- X Any patent application processing fees under 37 CFR 1.17.
- The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- Any filing fees under 37 CFR 1.16 for presentation of extra claims.
6. A check in the amount of \$ is enclosed.
7. X Cancel claims 25-244.
8. Amend the specification by inserting before the first line of the sentence: This is a continuation, X divisional, continuation-in-part of Application Serial No. 08/574,443, filed on December 15, 1996.
9. Transfer the drawings from the prior application.
10. X Informal X Formal drawings are enclosed.
11. Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.
12. Priority of application Serial No. filed on is claimed under 35 U.S.C. 119. The certified copy of the priority application has been filed in prior application Serial No. , filed .
13. X The prior application is assigned of record to Enzo Therapeutics, Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York, New York 10022. [A copy of the originally submitted Assignment and the Notice of Recordation are enclosed herewith.]
14. X A preliminary amendment is enclosed.

15. X The power of attorney in the prior application is to:
Ronald C. Fedus, Reg. No. 32,567, and John J. Santalone,
Reg No. 32, 794.
- (a) X The power appears in the original papers in the prior
application.
- (b) Since the power does not appear in the original
papers, a copy of the power in the prior application is
enclosed.
- (c) A copy of a new substitute power of attorney is
enclosed.
- (d) Address all future communications to: (May only be
completed by applicant, or attorney or agent of
record.)
- Ronald C. Fedus, Esq.
Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
527 madison Avenue (9th Floor)
New York, New York 10022
16. X Also accompanying this Request is a Petition to Revive An
Unintentionally Abandoned Application Under 37 C.F.R.
1.137(b).
17. X I hereby verify that the attached papers are a true copy of prior
application Serial No. 08/574,443.
18. The parent application (Serial No. 08/574,443) was
unintentionally abandoned after 2/25/97, which was
the date that a response to the 11/25/96 Office
Action was originally due. As noted under No. 16 above, this
Request For a Continuation Application is accompanying the
Petition to Revive an Unintentionally abandoned Application Under
37 C.F.R. 1.137(b), along with the requisite petition fee therefor.
With the expected granting of the Petition, the parent application
will be copending with the filing of this new continuation application.

The undersigned declares further that all statements made herein of his own knowledge
are true and that all statements made on information and belief are believed to be true;
and further that these statements were made with the knowledge that willful false
statements and the like so made are punishable by fine
or imprisonment, or both, under Section 1001 of Title 18 of the United States